

UNITED STATES JUDICIAL PANEL

on

MULTIDISTRICT LITIGATION

TOST

CHAIRMAN:

Judge John G. Heyburn II
United States District Court
Western District of Kentucky
U.S.D.C. - Atlanta

MEMBERS:

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
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AUG 31 2007

JAMES N. HATTEN, Clerk

By:

J. Brannon
Deputy Clerk

August 28, 2007

James N. Hatten, Clerk
2217 Richard B. Russell Fed. Bldg. & U.S. Courthouse
75 Spring Street, S.W.
Atlanta, GA 30303-3309

Re: MDL-1845 -- IN RE ConAgra Peanut Butter Products Liability Litigation

Todd M. Marlowe v. ConAgra Foods, Inc., S.D. Ohio, C.A. No. 2:07-481

Dear Mr. Hatten:

A conditional transfer order was filed in the above matter on July 26, 2007. Prior to the expiration of that order's 15-day stay, opposition to the proposed transfer was filed and, pursuant to Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), the conditional transfer order was stayed until further order of the Panel. The opposition has now been withdrawn and I am therefore enclosing a certified copy and one additional copy of today's order lifting the stay of the conditional transfer order and transferring the action to your district pursuant to 28 U.S.C. § 1407. The order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By: 
Deputy Clerk

Enclosures

cc: Transferee Judge: Judge Thomas W. Thrash, Jr.
Transferor Judge: Judge Algenon L. Marbley
Transferor Clerk: James Bonini

AUG 28 2007

FILED
CLERK'S OFFICE

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

AUG 31 2007

JAMES N. HATTEN, CLERK
By: *J. Hatten*

MDL No. 1845

A CERTIFIED TRUE COPY

AUG 28 2007

ATTEST *[Signature]*
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: CONAGRA PEANUT BUTTER
PRODUCTS LIABILITY LITIGATION

Todd M. Marlowe v. ConAgra Foods, Inc.,)
S.D. Ohio, C.A. No. 2:07-481)

ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER

A conditional transfer order was filed in this action (*Marlowe*) on July 26, 2007. Prior to expiration of that order's 15-day stay of transmittal, plaintiff in *Marlowe* filed a notice of opposition to the proposed transfer. Plaintiff subsequently failed to file the required motion and brief to vacate the conditional transfer order.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-2" filed on July 26, 2007, is LIFTED. The action is transferred to the Northern District of Georgia for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Thomas W. Thrash, Jr.

FOR THE PANEL:

[Signature]
Jeffery M. Lüthi
Clerk of the Panel

ATTEST: A TRUE COPY
CERTIFIED THIS

SEP - 4 2007

James N. Hatten, Clerk
By: *[Signature]*
Deputy Clerk

INVOLVED COUNSEL LIST
MDL NO. 1845
IN RE ConAgra Peanut Butter Products Liability Litigation

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